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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/004,552	12/05/2001	Gary Jennings	BR8669	7086	
7	590 10/16/2002	0			
The Black & Decker Corporation			EXAMINER		
701 East Joppa Towson, MD	Road -TW199 21286		SAETHER, F	LEMMING	
			ART UNIT	PAPER NUMBER	
			3679		
			DATE MAILED: 10/16/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Арр	licant(s)	7			
Office Action Summary		10/004,552	JEN	NINGS ET AL.	P			
		Examiner	Art I	Jnit	-+			
• `~	•	Flemming Saether	3679	,	•			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
THE I - Exter after - If the - If NO - Failu - Any r	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.1: SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period or reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing d patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however y within the statutory minimu vill apply and will expire SIX , cause the application to be	, may a reply be timely filed orm of thirty (30) days will be (6) MONTHS from the mai come ABANDONED (35 U	d considered timely. ling date of this commu J.S.C. § 133).	ınication.			
1)	Responsive to communication(s) filed on							
2a)□		— · is action is non-fina	1					
3)								
Dispositi	on of Claims	Ex parte dadyle, 10	,00 O.D. 11, 400 O	.0. 210.				
4)🖂	Claim(s) 1-15 is/are pending in the application	1.						
4a) Of the above claim(s) is/are withdrawn from consideration.								
5)[	Claim(s) is/are allowed.							
6)	Claim(s) is/are rejected.							
7)	Claim(s) is/are objected to.							
•	Claim(s) $\underline{1-15}$ are subject to restriction and/or	election requiremen	t.					
· · · _	on Papers							
•	The specification is objected to by the Examine							
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.								
44	Applicant may not request that any objection to the							
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.								
If approved, corrected drawings are required in reply to this Office action.								
12) The oath or declaration is objected to by the Examiner.								
Priority under 35 U.S.C. §§ 119 and 120								
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a) All b) Some * c) None of:								
	<ul> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> </ul>							
	2.☐ Certified copies of the priority documents have been received in Application No  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage							
* 5	application from the International Bu See the attached detailed Office action for a list	reau (PCT Rule 17.	2(a)).	The Mational Clas	<b>,</b>			
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).								
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.								
Attachmen	-							
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s) _	5) 🔲 N	terview Summary (PTO otice of Informal Patent her:					
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Application/Control Number: 10/004,552

. Art Unit: 3679

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, 13, 14 and 15, drawn to a rivet, classified in class 411.
- II. Claims 10-12, drawn to a method riveting, classified in class 29.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the rivet does not require the combination with the workpieces wherein the apertures therein are filed by the rivet.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Velpman on 9-26-02 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Flemming Saether Primary Examiner Art Unit 3679

October 12, 2002